

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GURBIR S. GREWAL, Attorney General of the State
of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R. WILSON, and
JANE and JOHN DOES 1-20, individually and as
owners, officers, directors, shareholders, founders,
members, managers, agents, servants, employees,
representatives and/or independent contractors of
DEFENSE DISTRIBUTED, and XYZ
CORPORATIONS 1-20,

Defendants.

Civil Action No.: 18-CV-13248 (SDW-
LDW)

CONSENT ORDER
TO ADMINISTRATIVELY
TERMINATE THIS CASE
WITHOUT PREJUDICE

WHEREAS this matter having been opened by Gurbir S. Grewal, Attorney General of the State of New Jersey (“State”) by way of an Order to Show Cause, filed on July 30, 2018, in the Superior Court of New Jersey, Essex County, Chancery Division – General Equity Part (“New Jersey Action”), seeking the issuance of temporary, then preliminary restraints enjoining Defense Distributed and Cody R. Wilson (collectively, “Defendants”) from disseminating printable-gun computer files through Defendants’ websites or otherwise;

WHEREAS on July 30, 2018, New Jersey, along with a group of other states including the State of Washington (collectively, the “States”), filed an Emergency Motion for a Temporary Restraining Order in the U.S. District Court for the Western District of Washington against the U.S. Department of State (“State Department”) and Defendants, in the action titled *Washington v. U.S. Dep’t of State*, No.18-1115 (W.D. Wash. Filed July 30, 2018) (“Washington Action”);

WHEREAS on July 31, 2018, the Honorable Walter Koprowski, Jr., P.J.Ch. stated in an Order in the New Jersey Action that “Defendants have agreed that they will not upload any additional files through the websites located at <https://defdist.org>, <https://defcad.com> and <https://ghostgunner.net>, or otherwise” and that “Defendants will block access to NJ IP addresses and mobile devices”;

WHEREAS on August 27, 2018, the Honorable Robert S. Lasnik, U.S.D.J. issued an order in the Washington Action granting the States’ motion for a preliminary injunction which, among other things, maintained the federal bar prohibiting Defendants’ dissemination of their printable-gun computer files by uploading them to their websites;

WHEREAS on August 27, 2018, Defendants filed a Notice of Removal of the New Jersey Action to the U.S. District Court for the District of New Jersey;

WHEREAS on September 4, 2018, Defendants filed a Motion to Change Venue or Dismiss the New Jersey Action;

WHEREAS in light of the preliminary injunction issued in the Washington Action, and in an effort to conserve judicial resources, the State and Defendants (collectively, “Parties”) have agreed to administratively terminate the New Jersey Action (this action) without prejudice pending the Conclusion of the Proceedings in the Washington Action;

WHEREAS by entering into this Consent Order, the State in no way concedes this Court’s subject matter jurisdiction over the New Jersey Action; and

WHEREAS the Parties reserve all rights to take whatever actions are deemed appropriate once the New Jersey Action is reopened, including the State’s filing of a Motion to Remand and Opposition to Defendants’ Motion to Change Venue or Dismiss.

IT IS ON THE 27th DAY OF September, 2018 HEREBY
ORDERED AND AGREED that:

- (1) The Clerk of the Court shall administratively terminate the above-captioned case without prejudice pending the Conclusion of the Proceedings in the Washington Action;
- (2) Any Party may request that the Court reinstate this case within thirty (30) days of the Conclusion of the Proceedings in the Washington Action; and
- (3) "Conclusion of the Proceedings in the Washington Action" shall mean (1) issuance of a final judgment and the expiration of all deadlines for initiating any appellate proceeding, including but not limited to a petition for a writ of certiorari to the Supreme Court of the United States or (2) entry of an order dissolving or modifying the preliminary injunction in the Washington Action.

(4) Accordingly, the motion to transfer at ECF NO. 5 is hereby terminated.

Leda Dunn Wettre
LEDA DUNN WETTRE, U.S.M.J.

THE PARTIES CONSENT TO THE FORM,
CONTENT AND ENTRY OF THIS CONSENT ORDER:

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorneys for Plaintiff

By: s/ Lara J. Fogel
Lara J. Fogel
Deputy Attorney General

Dated: September 26, 2018

HARTMAN & WINNICKI, P.C.
Attorneys for Defendants
Defense Distributed and Cody R. Wilson

By: s/ Daniel L. Schmutter
Daniel L. Schmutter, Esq.

Dated: September 26, 2018